



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

TJR  
Docket No: 3022-00  
23 October 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Naval Reserve on 23 October 1973 at the age of 22. You began a period of active duty on that same day. Your record reflects that on 7 February 1974 you received nonjudicial punishment (NJP) for four periods of unauthorized absence (UA) totalling 13 days and two specifications of failure to obey a lawful order. The punishment imposed was a \$150 forfeiture of pay. On 21 March 1974 you were convicted by summary court-martial of a 27 day period of UA and awarded confinement at hard labor for 30 days, 15 days of which was suspended for six months, and a \$100 forfeiture of pay. On 26 July and again on 20 September 1974 you received NJP for assault and absence from your appointed place of duty.

During the period from 1 February to 15 May 1975 you received NJP on four occasions for unlawful entry, failure to obey a lawful order, disrespect, and two incidents of absence from your appointed place of duty. Subsequently, you were notified of pending administrative separation action by reason of convenience of the government due to substandard performance and inability to adapt to military service. At this time you waived your rights

to consult with legal counsel and to submit a statement in rebuttal to the discharge. Your commanding officer then recommended you be issued a general discharge by reason of convenience of the government. The discharge authority approved this recommendation and directed your commanding officer to issue you a general discharge under honorable conditions by reason of convenience of the government. On 18 June 1975 you were so discharged.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 2.6. An average of 3.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you were told that your discharge would be automatically upgraded six months after your separation. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge given your frequent misconduct, which resulted in seven NJPs and a court-martial conviction. The Board also noted that your conduct average was insufficiently high to warrant a fully honorable characterization of service. Further, no discharge is upgraded merely because of the passage of time. Given all the circumstances of your case, the Board concluded your discharge and narrative reason for separation were proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director